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UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

ROB DUNN, Individually and on Behalf of All
Others Similarly Situated,

Plaintiff,

v.

FITBIT, INC.,

Defendant.

Case No. 16-cv-00036-JD; 16-cv-00777-JD

**THIRD JOINT REPORT REGARDING
STATUS OF ARBITRATION
PROCEEDINGS**

Crtrm: 11, 19th Floor

The Honorable James Donato

1 Pursuant to the Court's July 24, 2018 Order Re Arbitration Proceedings, Dkt. No. 153,¹
2 the parties submit this third joint report regarding the status of the arbitration captioned, *Kate*
3 *McLellan v. Fitbit, Inc.*, AAA Case No. 01-18-0001-3597 (the "Arbitration").

4 On February 11, 2019, the Arbitrator issued a decision on Claimant's challenges to the
5 scope and enforceability of Fitbit's arbitration provision. Further arbitration proceedings are
6 scheduled for June 7, 2019.

7 Dated: April 22, 2019

MORRISON & FOERSTER LLP

9 By: s/ David F. McDowell
10 David F. McDowell

11 Attorneys for Defendant
12 FITBIT, INC.

13
14 Dated: April 22, 2019

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19 of all others similarly situated
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27 ¹ See Dkt. No. 153 at 10:15-16.
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ECF ATTESTATION

I, David F. McDowell, am the ECF User whose ID and Password are being used to file this document. I attest that concurrence in the filing of this document has been obtained from the signatory.

Dated: April 22, 2019

MORRISON & FOERSTER LLP

By: s/ David F. McDowell

David F. McDowell

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FITBIT, INC.